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09/419,300	10/15/1999	PHIL-TAE KIM	P55862	1028

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ROBERT E BUSHNELL  
ATTORNEY AT LAW  
1522 K STREET N W SUITE 300  
WASHINGTON, DC 200051202

EXAMINER
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ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/419,300

Applicant(s)

KIM, PHIL-TAE

Examiner

Abbas I Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 17 and 24-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 17 and 24-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to a communication filed on 02/16/05. Claims 1-3, 17 and 24-49 are pending. Claims 4-16 and 18-23 are cancelled.

#### ***Response to Arguments***

2. Applicant's arguments, see (pages 11-20), filed on 2/16/05, with respect to the rejection(s) of claim(s) 1-3, 17 and 24-49 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Betram et al. (USPN 5198802) and Choi (USPN 5648781).

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites the limitation "said remote controller". The independent claim 1 from which claim 3 depends does not mention a remote controller.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 24-25, 29, 31, 35-36 and 44-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertram et al. (USPN 5198802).

Regarding claim 1, Bertram et al (hereinafter = "Bertram") teaches a method, comprising the steps of: displaying a menu and an indicator on a display screen for selecting one of menu items of said menu; (Fig. 2A (1, 17) and col. 5, lines 21-36), making a selection of a menu item by using an indicator; (col. 5, lines 37-39) displaying a sub menu corresponding to the selected menu item (Fig. 2B(1, 17) and col. 5, lines 39-42), with said menu being comprised of a plurality of sub menu items contextually related to said menu items (col. 5, lines 44-45); and automatically adjusting the position of said indicator to be located within said sub menu (col. 5, lines 45-49).

Regarding claim 2, Bertram teaches automatically, initially displaying said indicator superimposed upon a first sub menu item of said sub menu upon displaying of said sub menu (Fig. 2B (17) and col. 5, lines 50-53).

Regarding claim 24 Bertram teaches storing a location of the selected menu item within a display screen; and automatically adjusting the display of said indicator to the stored location of the selected menu item when said sub menu is erased (col. 8, lines 40-52 and Fig. 9 (46, 82)).

Regarding claim 25, Bertram teaches said indicator being a pointer (Fig. 2A (17) and col. 5, lines 24).

Regarding claim 29, Bertram teaches the step of erasing submenu automatically causing said menu items to reappear and automatically and simultaneously causing said indicator to skip back to said previously selected menu item (Fig. 5B(information) and col. 6, lines 55-64).

Regarding claim 31, Bertram teaches a method of controlling a pointer on a display, comprising: pressing a button on a control panel causing a main menu to appear and simultaneously and automatically causing the pointer to appear within the main menu the main menu having a plurality of menu items (Fig. 2A (1, 17) and col. 5, lines 21-40), the pointer being automatically placed in a first of said plurality of menu items (Fig. 2A (information) and col. 5, line 27); manually manipulating a device causing the pointer to gradually move to a user selected menu item (col. 5, lines 37-40); and pressing a button on the control panel causing selection of said menu item containing said pointer and thus automatically causing a sub menu to appear on the display and simultaneously, suddenly and automatically causing said pointer to move to said sub menu (col. 5, lines 40-43, col. 5, lines 45-47 and Fig 2B (17)).

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Regarding claim 35, Bertram teaches causing said submenu to disappear, causing said display to display said main menu with the pointer in said previously selected menu item of said main menu (Fig. 5 B (information) and col. 6, lines 55-64).

Regarding claim 36, Bertram teaches said pointer automatically reappearing in said previously selected menu item in said main menu without any user manipulation of any control when said main menu reappears (col. 6, lines 60-61).

Regarding claim 44, Bertram teaches said main menu disappearing when said submenu appears (Fig. 6B (programs), col. 6, lines 68 and col. 7, lines 1-16).

Regarding claim 45, Bertram teaches said main menu disappearing from the display when said submenu appears (Fig. 6B (programs), col. 6, lines 68 and col. 7, lines 1-16).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 30, 38, 46-47 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (USPN 5648781) in view of Bertram et al. (USPN 5198802).

Regarding claim 17, Choi teaches an apparatus, comprising: a trackball on a remote controller for controlling the movement of an indicator on a display screen relative to a predetermined initial position of said indicator on the screen to select a displayed menu item (Fig. 3 (50, 54) and col3, lines 60-61); a trackball movement sensor sensing a shift value of the movement of said trackball along X-Y coordinates relative to the predetermined initial position of said indicator (Fig. 3 (56) and col. 4, lines 9-13); a selection key which selects said menu items ; a menu key which displays said menu on a display screen (col. 4, lines 29-34); a shift value data storage unit (Fig. 3 (58) and col. 4, lines 14-16) accommodating the storing shift value data corresponding to the movement of said trackball relative to the initial indicator position (Fig. 3 958) and col. 4, lines 14-16); a control commander selecting the control function corresponding to said menu item where said indicator is located when said selection key is activated (Fig. 3 (62) and col. 4, lines 18-21); a data generator, responsive to said remote controller for generating data corresponding to the stored shift value of said trackball received from said shift value data storage unit when said remote controller is activated; and a transmitting means accommodating coding and transmitting data from said data generating means to an electrical appliance (Fig. 3 (60, 64) and col. 4, lines 14-21); and wherein said electrical appliance comprises: a receiver accommodating the data transmitted by said transmitting unit (Fig. 3 (66) and col. 4, lines 22-24); a display control unit, connected to said receiver, displaying a menu on said display portion according to said received data (Fig. 3 (68) and col. 4, lines 25-28); an indicator display, said indicator display unit displays said indicator in a center point of a selected submenu (Fig. 3 (72) and col. 4, lines 29-31); said

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display screen; a microprocessor (Fig. 3 (52) and col. 4, lines 7-8); and a menu storage unit, connected to said display control unit adapted to provide to provide data which is displayed on said television display screen(col. 4, lines 2-5 and Fig. 3 (68, 70)), the indicator display unit causing the location of the indicator on the television display screen to move on the display screen when the trackball moves (Fig. 3 (72) and col. 4, lines 29-31).

Choi does not teach an indicator display unit causing the indicator to suddenly and automatically jump to a new location on the television display screen when said television display screen displays a different menu.

Betram on the other hand teaches that operation of the enter key 31 on keyboard 21 causes the screen on display 1 shown in FIG. 2B. Betram teaches the screen is a submenu, and when the entry was made by keyboard, the computer operating system has repositioned cursor 17 concurrent with the new screen, so that cursor 17 is located at the designation of the top application, "On-line Assistance" as shown in Fig. 2 B (17). See col. 5 lines 40-49.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reprogram Choi's remote control operation shown in Fig. 3 to incorporate Bertram's operating system with a feature of repositioning a cursor for the purpose of producing more controllable image on CRT display. (see Bertram's col. 4, lines 40-43).

Regarding claim 30, Betram teaches enlargement/reduction key adapted to cause the size and location of a displayed menu to suddenly change a size and a location on the



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display while simultaneously causing said indicator to jump to a new location within the changed menu when the enlargement/reduction key is depressed by the user, said jump in the location of the indicator not being brought about by said trackball (col. 5, lines 45-49).

Regarding claim 38, Choi teaches said control panel being on a remote control device physically separated from the display (see the abstract and Fig. 3 (50, 52)).

Regarding claim 46, Choi teaches the indicator display unit receiving manual movement of the indicator signals from the trackball movement sensor and automatic movement of the indicator from the command controller and moving the cursor based on a combination signal from both sources (Fig. 3 (72) and col. 4, lines 29-31).

Regarding claim 47, Betram teaches the indicator display unit being configured to cause the location of the indicator on the television display screen to move on the display screen when the trackball moves, the indicator display unit also causing the indicator to suddenly and automatically jump to a new location on the television display screen when said television display screen displays a different menu (col. 5, lines 45-49).

Regarding claim 48, Choi teaches the manual manipulating step being accomplished by moving a trackball casing the pointer to slide and not to skip across the display (col.2, lines 45-55).

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Regarding claim 49 Choi teaches the trackball enabling the indicator to gradually slide and not skip across the display screen (col. 2, lines 45-55).

6. Claims 26-28, 32-34, 37 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. (USPN 5198802).

Regarding claim 26, Bertram teaches said making step comprising causing said indicator to move on a display to the selected menu item, said automatically adjusting the position of the indicator step comprising sudden translation of said indicator across the display to the submenu at a time simultaneous with the displaying of the submenu (col. 5, lines 45-49 and Fig 2B (17)).

Bertram does not specifically teach “user manipulation of a trackball”. On the other hand, Bertram on the other hand teaches the use of either a keyboard (21) or a mouse (13) (col. 5, lines 37-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the input device (13, 21) by an alternative input device that is functionally equivalent because it is well known to utilize a variety of input device for the purpose of cursor manipulation,

Regarding claim 27, Bertram teaches said sudden translation of the indicator being absent of movement of said trackball (col. 5, lines 45-49).

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Regarding claim 28, Bertram teaches said sudden translation of said indicator being brought about automatically and absent any user manipulation (col. 5, lines 45-49).

Regarding claim 32, Bertram does not specifically teach “user manipulation of a trackball”. On the other hand, Betram teaches the use of either a keyboard (21) or a mouse (13) (col. 5, lines 37-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the input device (13, 21) by an alternative input device that is functionally equivalent because it is well known to utilize a variety of input device for the purpose of cursor manipulation,

Regarding claim 33, Bertram teaches each menu item in the pointer being in a geometric center of said first of said plurality of said menu items (col. 5, lines 37-39).

Bertram does not specifically teach a menu being represented by a tetragon. Bertram on the other hand teaches the display of four categories each category being represented in rectangle as shown in Fig. 2 A (1) and col. 5, lines 22-26.

It would have been obvious to one of ordinary skill in the art at the time invention was made to replace the rectangles in which the four categories are represented in Fig. 2A by any desired geometric figure because the geometric shapes are a matter of choice handled by a utility software as taught Betram (col. 5, lines 26-36).

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Regarding claim 34, Bertram teaches, said sub menu comprising a plurality of sub menu items, said pointer being initially located in a geometric center of a first or top sub menu item (col. 5, lines 39-42, col. 5, lines 50-53) and Fig. 2 (B)).

Bertram does not specifically teach a menu being represented by a tetragon. Bertram on the other hand teaches the display of four categories each category being represented in rectangle as shown in Fig. 2 A (1) and col. 5, lines 22-26.

It would have been obvious to one of ordinary skill in the art at the time invention was made to replace the rectangles in which the four categories are represented in Fig. 2A by any desired geometric figure because the geometric shapes are a matter of choice handled by a utility software as taught Bertram (col. 5, lines 26-36).

Regarding claim 37, Bertram teaches pressing a button on said control panel causing an image on the display to disappear, said pointer being automatically moved to said enlarged main menu on said display without any further user manipulation (Fig. 5 B (information) and col. 6, lines 55-64).

Bertram does not specifically teach, “causing said main menu to appear enlarged”. Bertram on the other teaches the display of four categories each category being represented in rectangle as shown in Fig. 2 A (1) and col. 5, lines 22-26.

It would have been obvious to one of ordinary skill in the art at the time invention was made to replace the rectangles in which the four categories are represented in Fig. 2A by any desired size of geometric figure because the geometric sizes are a matter of choice handled by a utility software as taught Bertram (col. 5, lines 26-36).

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Regarding claim 39, Bertram teaches a method for controlling the location of a pointer on a display, comprising: displaying a main menu having a plurality of menu items while simultaneously displaying the pointer on the display (Fig. 2A (1, 17) and col. 5, lines 21-40), moving a location of the pointer on the display to one of said plurality of menu items on said main menu (col. 5, lines 37-40, Fig. 2A (information) and col. 5, line 27); selecting said menu item where said pointer is present by user pushing a button on a control; and suddenly displaying a submenu comprising a plurality of sub menu items on said display while simultaneously and automatically having the location of the pointer on the display to skip to a location within said submenu (col. 5, lines 40-43, col. 5, lines 45-47 and Fig 2B (17)).

Bertram does not specifically teach the “user manipulation of a trackball”. On the other hand, Betram teaches the use of either a keyboard (21) or a mouse (13). (Col. 5 lines 37-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the input device (13, 21) by an alternative input device that is functionally equivalent because is well known to utilize a variety of input device for the purpose of cursor manipulation,

Regarding claim 40, Bertram teaches said submenu being distinguished from said main menu (col. 5, lines 40-43).

Regarding claim 41, Bertram teaches said main menu disappearing from the display when said submenu appears (Fig. 6B (1) and col. 6, line 68 and col. 7, lines 1-20).

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Regarding claim 42 Bertram teaches said display being a high definition television (col. 4, lines 40-43).

Regarding claim 43, Bertram teaches reverting back to the main menu from the submenu causing the main menu to reappear at a location on the display different from where the submenu appeared, causing the pointer to automatically skip back to said selected menu item on said main menu (col. 6, lines 55-64).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following arts are cited for further reference.

U.S. pat. No. 5,822,123 to Davis et al.

U.S. Pat. No. 5,515,680 to Hendricks et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas abdulsalam

Examiner

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April 17, 2005



**PATRICK N. EDOUARD**  
**PRIMARY EXAMINER**